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FILED

SEP 23 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 STATE OF CALIFORNIA
9 DEPARTMENT OF REAL ESTATE

10 * * *

11 To:)
12) NO. H- 2422 FR
13 FORECLOSURE PROFESSIONALS, INC.,)
14 and, EDWARD ANGUIANO.) ORDER TO DESIST AND REFRAIN
(B&P Code Section 10086)

15 The Commissioner (Commissioner) of the California Department of Real Estate
16 (Department) caused an investigation to be made of the activities of EDWARD ANGUIANO
17 ("ANGUIANO") and FORECLOSURE PROFESSIONALS, INC., ("FPI") (collectively,
18 "RESPONDENTS"). Based on that investigation, the Commissioner has determined that
19 RESPONDENTS have engaged in, are engaging in, or are attempting to engage in, acts or
20 practices constituting violations of the California Business and Professions Code (the Code)
21 and/or Title 10, Chapter 6, California Code of Regulations (the Regulations), including the
22 business of, acting in the capacity of, and/or advertising or assuming to act as, a real estate
23 broker in the State of California within the meaning of Section 10131(d) (performing services for
24 borrowers and/or lenders in connection with loans secured by real property) of the Code and
25 Section 10085 (collecting unauthorized advanced fees) of the Code. Furthermore, based on the
26 investigation, the Commissioner hereby issues the following Findings of Fact, Conclusions of
27 Law, and Desist and Refrain Order under the authority of Section 10086 of the Code.

1 Whenever acts referred to below are attributed to ANGUIANO, those acts are
2 alleged to have been done by ANGUIANO, acting by himself, and by and/or through FPI, one or
3 more agents, associates, affiliates, and/or co-conspirators, and using the names "Foreclosure
4 Professionals, Inc.," or other names or fictitious names unknown at this time.

5 FINDINGS OF FACT

6 1.

7 At no time herein mentioned has ANGUIANO been licensed by the Department
8 in any capacity.

9 2.

10 At no time herein mentioned has FPI been licensed by the Department in any
11 capacity.

12 3.

13 During the period of time set out below, ANGUIANO has been the owner and
14 President of FPI.

15 4.

16 During the period of time set out below, ANGUIANO, while employed by and
17 acting on behalf of FPI, solicited borrowers and negotiated to do one or more of the following
18 acts for another or others, for or in expectation of compensation: negotiate one or more loans for,
19 or perform services for, borrowers and/or lenders in connection with loans secured directly or
20 collaterally by one or more liens on real property; and charge, demand or collect an advance fee
21 for any of the services offered.

22 5.

23 On or about April 30, 2008, ANGUIANO solicited Pedro Galvan Jr. (Galvan) in
24 order to provide loan modification services to Galvan.

25 6.

26 In furtherance of RESPONDENTS' plan and scheme to provide loan modification
27 services to Galvan, ANGUIANO requested an advance fee of \$2,000.00 from Galvan. In

1 reliance on ANGUIANO's representations, Galvan paid ANGUIANO that amount by personal
2 check, payable to FPI.

3 7.

4 After Galvan made the payment mentioned above to ANGUIANO, Galvan did
5 not obtain a successful and sustainable loan modification, obtain any other benefit from
6 RESPONDENTS, or from anyone connected in any way with RESPONDENTS, or receive a
7 refund of the amount Galvan paid to FPI.

8 8.

9 On or about May 3, 2008, ANGUIANO solicited Andres and Luisa Vasquez
10 (Vasquez) in order to provide loan modification services to Vasquez.

11 9.

12 In furtherance of RESPONDENTS' plan and scheme to provide loan
13 modification services to Vasquez, ANGUIANO requested an advance fee of \$5,000.00 from
14 Vasquez. In reliance on ANGUIANO's representations, Vasquez paid ANGUIANO that amount
15 by personal check, payable to FPI.

16 10.

17 After Vasquez made the payment mentioned above to ANGUIANO, Vasquez
18 did not obtain a successful and sustainable loan modification, obtain any other benefit from
19 RESPONDENTS, or from anyone connected in any way with RESPONDENTS, or receive a
20 refund of the amount Vasquez paid to FPI.

21 11.

22 On or about May 9, 2008, ANGUIANO solicited Jose A. Cabrera (Cabrera) in
23 order to provide loan modification services to Cabrera.

24 12.

25 In furtherance of RESPONDENTS' plan and scheme to provide loan modification
26 services to Cabrera, ANGUIANO requested an advance fee of \$5,000.00 from Cabrera. In
27 reliance on ANGUIANO's representations, Cabrera paid RESPONDENTS that amount.

1 13.

2 After Cabrera made the payment mentioned above to RESPONDENTS, Cabrera
3 did not obtain a successful and sustainable loan modification, obtain any other benefit from
4 RESPONDENTS, or from anyone connected in any way with RESPONDENTS. Cabrera only
5 received a partial refund from FPI in the amount of \$1,200.00, and was compelled by
6 RESPONDENTS to sign a release of liability for the remaining \$3,800.00 deposited with
7 RESPONDENTS in order to collect the partial refund from FPI.

8 14.

9 On or about June 4, 2008, ANGUIANO solicited Maria Mares (Mares) in order to
10 provide loan modification services and/or short sale services to Mares.

11 15.

12 In furtherance of RESPONDENTS' plan and scheme to provide loan modification
13 services and/or short sale services to Mares, ANGUIANO requested an advance fee of \$4,000.00
14 from Mares. In reliance on ANGUIANO's representations, Mares paid RESPONDENTS that
15 amount.

16 16.

17 After Mares made the payment mentioned above to RESPONDENTS, Mares
18 did not obtain a successful and sustainable loan modification, obtain any other benefit from
19 RESPONDENTS, or from anyone connected in any way with RESPONDENTS. Mares only
20 received a partial refund of \$1,000.00 from RESPONDENTS.

21 17.

22 On or about June 5, 2008, ANGUIANO solicited Hermelinda Trujillo (Trujillo)
23 in order to initiate a short sale on Trujillo's property.

24 18.

25 In furtherance of RESPONDENTS' plan and scheme to initiate a short sale on
26 Trujillo's property, ANGUIANO requested an advance fee of \$5,000.00 from Trujillo. In
27 reliance on ANGUIANO's representations, Trujillo paid RESPONDENTS that amount.

19.

After Trujillo made the payment mentioned above to RESPONDENTS, ANGUIANO cancelled the short sale on Trujillo's property and informed Trujillo that a loan modification was underway for her benefit. Trujillo informed ANGUIANO that she was not interested in a loan modification. Trujillo did not obtain any benefit from RESPONDENTS, or from anyone connected in any way with RESPONDENTS.

20.

On or about October 29, 2008, ANGUIANO refunded the \$5,000.00 advance fee to Trujillo upon the condition that she signs a release of liability form.

CONCLUSIONS OF LAW

21.

Based on the Findings of Fact contained in Paragraphs 1 through 20, ANGUIANO, acting by himself, or by and/or through FPI, or other names or fictitious names unknown at this time, solicited borrowers and represented that they would perform services for those borrowers and/or the borrowers' lender in connection with one or more loans secured directly or collaterally by one or more liens on real property; and charged, demanded or collected an advance fee for the services to be provided, which acts require a real estate broker license under Sections 10131(d) and 10131.2 of the Code, and prior submission by the broker of an advance fee agreement to the Department for its review.

DESIST AND REFRAIN ORDER

Based on the Findings of Fact and Conclusions of Law stated herein, you, EDWARD ANGUIANO and FORECLOSURE PROFESSIONALS, INC., whether doing business under your own name, or any other name or fictitious name, ARE HEREBY ORDERED to immediately desist and refrain from:

1. Performing acts that require a real estate license unless and until you are properly licensed by the Department as a real estate broker, and,

1 2. Charging, demanding, or collecting advance fees, as that term is defined in
2 Section 10026 of the Code, for any of the services you offer to others, in any
3 form, and particularly with respect to loan modification, loan refinance,
4 principal reduction, foreclosure abatement or short sale services, unless and
5 until you demonstrate and provide evidence satisfactory to the Commissioner
6 that you are properly licensed by the Department as a real estate broker, and
7 that you have:

- 8 (i) an advance fee agreement which has been submitted to the
9 Department and which is in compliance with Sections 2970 and
10 2972 of the Regulations;
11 (ii) placed all previously collected advance fees into a trust account
12 for that purpose and are in compliance with Section 10146 of
13 the Code; and
14 (iii) provided an accounting to trust fund owner-beneficiaries
15 pursuant to Section 2972 of the Regulations.

16 DATED: 9/22, 2009
17

18 JEFF DAVI
19 Real Estate Commissioner

20 By: 
21 BARBARA J. BIGBY
22 Chief Deputy Commissioner
23

24 - NOTICE -

25 Business and Professions Code Section 10139 provides that "Any person acting
26 as a real estate broker or real estate salesperson without a license or who advertises using words
27 indicating that he or she is a real estate broker without being so licensed shall be guilty of a

1 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
2 imprisonment in the county jail for a term not to exceed six months, or by both fine and
3 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
4 (\$60,000).”
5
6

7 cc: FORECLOSURE PROFESSIONALS, INC.
8 Attn: Edward Anguiano
9 135 W. Shaw Avenue, Suite 100
Fresno, CA 93704

10 EDWARD ANGUIANO
11 Foreclosure Professionals, Inc.
12 135 W. Shaw Avenue, Suite 100
Fresno, CA 93704

13 FORECLOSURE PROFESSIONALS, INC.
14 Spiegel & Utrera, P.C.
15 Agent for Service of Process
16 4727 Wilshire Boulevard, Suite 601
17 Los Angeles, CA 90010
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